IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 6414 of 2004

Between:

Dr.S.Panduranga Vittal, S/o.S.Subbarayudu,
R/o.Tirupathi, Chittoor Dist.

..... PETITIONER

AND

1 Sri Venkateswara University, Tirupathi, through its Registrar.
2 Sri Venkateswara University, Tirupathi, through its Head of the Dept.Sanskrit.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ of Mandamus, or any other appropriate writ, order or direction declaring the action of the respondents in discontinuing the services of the petitioner as a Teaching Assistant pursuant to the impugned proceeding No.E.II (6)/TA/ASN/2003-2004 dt 6-11-2003 issued by the 1st respondent as being illegal, arabitrary and violative of principles of natural justice and consequently direct the respondents to regularize the services of the petitioner as a Teaching Assistant by extending scales of pay and to continue him in the said post of Teaching Assistant till regularisation orders are issued.

Counsel for the Petitioner:MR.K.RAGHUVEER REDDY

Counsel for the Respondents: MR.P.SREE RAMULU NAIDU

The Court made the following :

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in discontinuing the services of the petitioner as a Teaching Assistant

pursuant to the impugned proceedings dated 06.11.2003 issued by the first respondent as arbitrary and illegal.

The brief facts that are necessary for disposal of this writ petition are as follows:

The petitioner was working as a Teaching Assistant in the respondent-university on contract basis since 1983 and he was given consolidated pay. The respondent-university used to issue fresh appointment orders to the petitioner for every academic year, on the recommendations of the selection committee of the University consisting of Head of Department of Sanskrit, Principal of the S.V.University College of Arts and Sciences and Dean of the University. The second respondent issued appointment orders to the petitioner for the year 2003-2004 and addressed a letter dated 30.07.2003 to the first respondent to ratify the appointment of the petitioner. But the first respondent, through its proceedings dated 06.11.2003 rejected the request made by the second respondent on the ground that it is not feasible to hire the services of the petitioner as Teaching Assistant from time to time. Accordingly, the petitioner was prevented from discharging his duties. Thereafter, the petitioner made representations to the respondent-university, but the same have not been considered.

The grievance of the petitioner is that, even though he was working in the respondent-university for a continuous period of 20 years, instead of regularizing the services of the petitioner, the respondent-university issued the impugned proceedings without any notice to the petitioner.

A detailed counter-affidavit has been filed by the first respondent stating that the respondent-university was entrusting teaching work to the available competent persons on contract basis with consolidated remuneration for a period of 60/89 days against the existing vacancy position in the Departments concerned. But the university has changed its procedure. According to the present procedure, the committee consisting of Principal of the University College , (Special Officer of the P.G., Centre Concerned), Dean of the School concerned in the case of Sri Venkateswara University College of Arts & Sciences, Tirupati and Head of the Department , on the proposal sent by the Head of the Departments concerned and according to the workload, approves the need for hiring the services of the competent persons to teach. Accordingly, the Head of the Departments appoint the competent persons for the academic year for the period from August to April, with a

break of services of one working day for each spell of 60 days. The selection will be made after conducting an interview. But in the present case, in anticipation of approval from the Selection Committee, the second respondent appointed the petitioner for the academic year 2003-2004 and later sent the proposal to the committee. But the proposal was rejected by the committee holding that there is no workload in the department. However, the petitioner was ordered to be paid remuneration for the period from 01.08.2003 to 07.11.2003 vide proceedings dated 26.03.2004 issued by the Vice Chancellor of the university.

The University has given a notification on 28.08.2004 calling for applications from eligible candidates for the posts of Assistant Professor and Associate Professor in the Department of Sanskrit which were reserved for BC(B) and BC(D.w). But it does not mean that there is additional workload in the Department, when the workload is being adjusted with the existing staff.

At the time of appointing the persons on contract basis, the respondent-university issues the appointment order categorically mentioning that the assignment is purely temporary and the service shall not be counted as University service. Hence, the petitioner cannot contend that his services were dispensed with without assigning any reasons and cannot claim it as a matter of right.

The post of lecturer is a selection post under Section 42 of A.P., Universities Act. As the petitioner was not selected as per the above section and rules of the University, he is not entitled to be regularized. Hence, the writ petition is liable to be disposed of with the following direction.

Appropriate decision has to be taken by the committee consisting of Principal of the University Colleges, Dean of the School and head of the department keeping in view the workload in the departments. Then the candidates will be selected basing on their merit. The committee came to the conclusion that there is no heavy workload in the department and there is no need to appoint any persons on contract basis. The petitioner cannot claim to appoint him as a right and it is at the discretion of the university.

Therefore, the writ petition is disposed of directing the respondents to take appropriate decision depending upon the workload and continue the services of the petitioner for every academic year. No costs.

29.06.2005

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To

1 The Registrar, Sri Venkateswara University, Tirupathi.
2 The Head of the Department of Sanskrit, Sri Venkateswara University, Tirupathi.

3 2 CD copies

4 1 CC to MR.RAGHUVEER REDDY

5 1 CC to MR.SREE RAMULU NAIDU